

(SC) X

1                   UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF NEW YORK  
3                   -----  
4                   NEIL WOODS,

PLAINTIFF,

5                   -against-

6                   KARL GOODYEAR, INNOVATIONS of ROCKLAND,  
7                   INC., GLORIA HANNA, LEROY ANDREW, SR.,  
and ANGELA BAKER,

8                   DEFENDANTS.

9                   -----X  
DATE: December 8, 2003

TIME: 10:35 a.m.

11  
12                   EXAMINATION BEFORE TRIAL of the  
13                   Plaintiff, NEIL WOODS, taken by the Defendant,  
14                   pursuant to a Court Order, held at the offices of  
15                   BARTON, BARTON & PLOTKIN, LLP., 420 Lexington  
16                   Avenue, New York, New York 10170, before a Notary  
17                   Public of the State of New York.

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2 A P P E A R A N C E S:

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5 BARTON, BARTON & PLOTKIN, LLP.

6 Attorneys for the Plaintiff

7 420 Lexington Avenue, Room 1918

8 New York, New York 10170

9 BY: PETER W. YOARS, JR., ESQ.

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12 Attorneys for Defendant

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ROCKLAND, INC.

14 535 Fifth Avenue

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16 BY: GINO DAMASCO, ESQ.

17 File #: 03LP6235

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20 Attorneys for the Defendants

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24 BY: BRIAN CASEY, ESQ.

25 File #: ALL2.WOODS

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32 BY: ROBERT J. GIRONDA, ESQ.

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WOODS

? the first impact?

3           A.       I don't know how fast my car would have  
4           been going at the time that I made that impact.

5 Q. If you could approximate.

6 MR. YOARS: Don't guess, but if you can,  
7 approximate.

8           A.       I am going to approximate that after  
9 hitting my brakes and whatnot, I was probably  
10 traveling at ten miles at an hour.

11 Q. Immediately before the impact, how fast  
12 were you going?

13 A. Approximately 40.

14 MR. YOARS: We're not quantifying. This  
15 is before you hit any brakes or anything.

16 A. Before I saw brake lights flashing in  
17 front of me.

18 Q. Prior to the first impact with your  
19 vehicle, did you hear any impacts with any other  
20 vehicles?

21 A. NO.

22 Q. Did you see any impacts with any other  
23 vehicles?

24 A NO

Q. Did you hear any screeching tires prior

## WOODS

1

2 to the first impact with your vehicle?

3

A. Yes.

4

Q. And where did you hear those screeching  
5 tires come from?

6

A. The vehicle directly in front of me.

7

Q. How long before the impact to your  
8 vehicle was it when you first heard the screeching  
9 tires from the car in front of you?

10

A. Approximately a few seconds.

11

Q. Did you do anything with the operation  
12 of your vehicle as a result of hearing the  
13 screeching tires from the car in front of you?

14

A. Yes, I hit the brakes.

15

Q. At the time you heard the screeching  
16 tires from in front of you, how far away were you  
17 from the rear of that vehicle?

18

A. Approximately a couple of car lengths.

19

Q. Were there any cars traveling on your  
20 right --

21

A. Yes.

22

Q. -- at the time you heard the screeching  
23 tires from the car in front of you?

24

A. Yes.

25

Q. Were there any cars traveling in the

## WOODS

2 opposite direction at the time you first heard the  
3 tires from the screeching car in front of you?

A. Oh, yes.

5 Q. Can you tell me the manner in which you  
6 applied the brakes?

7 A. Vigorously.

8 Q. As a result of applying your brakes, did  
9 your tires screech?

A. I don't remember.

11 Q. Okay.

12                   Where did the first impact to your  
13                   vehicle occur?

14 MR. YOARS: Where on his car, right?

15 MR. DAMASCO: Where on his car.

## 16 A. My front end.

17 Q. And what did the front of your car come  
18 into contact with?

19 A. The rear end of the car in front of me.

20 Q. At the time of the first impact, was  
21 your car fully in the left lane?

22 A. That's correct.

23 O. Okay.

As a result of applying your brakes, did  
your car skid?

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WOODS

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A. I believe to some degree, yes. There's antilock brakes on it.

4

Q. How far did your car skid as a result of your applying the brakes?

6

A. I'm not sure.

7

Q. Can you estimate, was it more than a car length?

9

MR. YOARS: Don't guess.

10

A. I don't know.

11

Q. Was it more than two car lengths?

12

A. I don't know.

13

Q. Was it more than five car lengths? :

14

A. I still don't know.

15

Q. At the time your car came into contact with the vehicle in front of you, was the vehicle in front of you moving or stopped?

18

A. That car was stopped.

19

Q. Prior to the initial contact with your car and the car in front of the you, did you hear any other impacts with any other vehicles?

22

MR. YOARS: This is before your first contact.

24

MR. DAMASCO: No, this is it.

25

MR. YOARS: You said prior to impact his